

DR#

1013422

Date: 10/20/04

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

DISCIPLINARY HEARING APPEAL FORMInmate: KEVIN BRATHWAITESBI#: 00315294RE: DISCIPLINARY HEARING

You have the right to appeal the decision of the Hearing Officer to the Commissioner of the Department of Correction, or his designee. Execution of any sanction imposed by the Hearing Officer shall be automatically stayed for seventy-two (72) hours immediately following the hearing **UNLESS YOU INDICATE ON THIS FORM THAT YOU DO NOT WANT** to appeal. If you do not file an appeal within seventy-two (72) hours, or if you indicate on this form that you do not want to appeal, the sanction shall be carried out immediately.

☒ Yes, I do want to appeal.☐ No, I do not want to appeal.

I want the decision of the Hearing Officer to be:

☒ Reversed, and/or☐ Remanded for further proceedings.

My reasons for making this appeal are:

I AM NOT GUILTY!
NO 24 hr. NOTICE before hearing.

Appeal description: First I would like to bring to your attention, the fact that I WAS denied my right to a preliminary hearing. I WAS ALSO denied my right to give a statement in full. AFTER this incident took place C/O Turner AND C/O Lombardi came to me AND told me that they both KNEW that what took place WAS wrong AND that they were NOT going to lie for these 3-SGT'S. Then when the hearing officer came to my cell

Date: 10-21-04Inmate Signature: [Signature]

To file this appeal, mail it to the DCC Hearing Office.

* The 72 hour time limit will run only while you are incarcerated.

To do my hearing I told him ~~that~~ I wanted to call c/o Turner and c/o Lombardi as witnesses to this incident. Now when the hearing officer questioned these two officers, they both changed their stories. ~~They~~ They said that they were both shaking down someone else's cell. Now let's be reasonable, if there was an emergency, and Sgt. Wallace had to call for back up, then why didn't c/o Turner and c/o Lombardi stop what they were doing and come to the aide of Sgt. Wallace. And if there was such an emergency, then how did Sgt. Stevenson and Sgt. Phillips make it to bldg #17 all the way from bldg #20, before c/o Turner and c/o Lombardi could make it to my cell, from the cell right next door to mine. Simple, because it never happen the way that these officers reported it, and rather than lie, these two officers could rather say that they didn't see what happen. Which is still a lie. I never attempted to assault nor did I assault anyone. Also, if you pay attention to Sgt. Wallace's report, how could Sgt. Stevenson and Sgt. Phillips be a witness on his report if they had just showed up. If you look

At these 3-officers statements, you can clearly see that they all just sat at a table together and had a meeting of the minds and came up with the exact same statement almost verbatim. All I ask is that you investigate this matter thoroughly

See, attached statement, and medical report. The medical report of my injuries clearly contradict the statements of these officers. And my statement is supported by these same medical reports.

Also: IF SGT. WALLACE claims that I put something in my mouth and swallowed it, then why didn't he tell the medical staff. All lies !!

Also: Please contact LT. SALAS, He knows what really took place, and he will not lie for anyone.

NOTE: I have no prior institutional violence. Not even a fight in almost nine years. This matter needs to be investigated